

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 20 and 22-28 are pending in the application, with claims 20 and 24-28 being the independent claims. Claims 20 and 24-28 have been amended to clarify the function of the polypeptides, the location of the deleted ligand binding domain and the percent identity of the claimed polypeptides. Support for these amendments can be found throughout the specification, especially at page 5, lines 22-24, and page 23, line 20-page 24, line 14. These changes are believed to introduce no new matter, and their entry is respectfully requested.

This Amendment is being filed along with a request for continued examination. Therefore, entry of the amended claims is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 20 and 22-28 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled by the deposited cDNA clone. Applicants submit herewith an affidavit which provides assurance that the deposit will be maintained and replaced if it should ever become unviable. Accordingly, Applicants respectfully request that the rejection be removed.

Claims 20-24 and 27-28 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled for methods of screening for agonists or antagonists using polypeptides that are 95% identical to SEQ ID NO:2. Specifically, the Examiner alleges

that the only way one of skill in the art could practice the claimed invention would be if the polypeptides in the methods increase intracellular cAMP levels when activated. Solely in an effort to expedite prosecution, and without acquiescing with the propriety of the rejection, Applicants have amended the claims to recite that the polypeptide "increases intracellular cAMP levels when activated by PTH or PTH-related peptide." Therefore, Applicants respectfully request that the rejection be removed.

Claims 20-24 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly not complying with the written description requirement. Specifically, the Examiner asserts that the specification does not teach one skilled in the art how to make substitutions that function differently. Solely in an effort to expedite prosecution, and without acquiescing with the propriety of the rejection, Applicants have amended the claims to recite that the polypeptide "increases intracellular cAMP levels when activated by PTH or PTH-related peptide." Therefore, Applicants respectfully request that the rejection be removed.

Claims 20 and 22-28 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner asserts that the region encompassing the deleted domain is not clear. Solely in an effort to expedite prosecution, and without acquiescing with the propriety of the rejection, Applicants have amended the claims to recite "from about residue 26 to about residue 181," as suggested by the Examiner. Therefore, Applicants respectfully request that the rejection be removed.

Claims 20, 22-24 and 27-28 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. Specifically, the Examiner asserts that the deletion of

the ligand binding domain results in polypeptides that are not 95% identical to SEQ ID NO:2. Solely in an effort to expedite prosecution, and without acquiescing with the propriety of the rejection, Applicants have amended the claims to clarify that the resulting sequence, following the deletion of the extracellular domain, is 95% identical to the claimed sequences. Therefore, Applicants respectfully request that the rejection be removed.

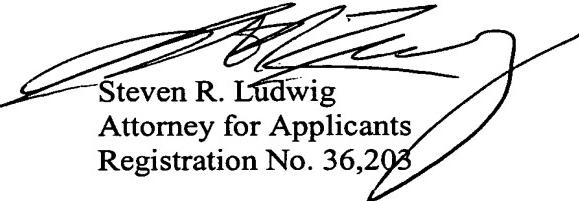
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

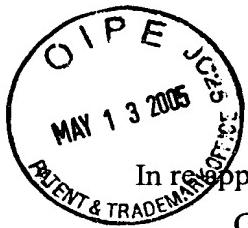
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GARDELLA *et al.*

Appl. No.: 09/869,565

Filed: October 17, 2001

For: **PTH Receptor and Screening Assay
Utilizing the Same**

Confirmation No.: 4604

Art Unit: 1647

Examiner: R.K. Hunnicutt

Atty. Docket: 0609.4730000/SRL/PAC

Declaration by Applicant Concerning the Deposit of a Biological Material

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, Thomas J. Gardella, declare and state as follows:

Escherichia coli bacteria with plasmid TG-98, comprising DNA encoding a mutant PTH1R receptor, rδNt, was deposited under the terms of the Budapest Treaty on November 20, 1996. The deposit was made at the American Type Culture Collection, now located at 10801 University Boulevard, Manassas, Virginia 20110-2009, and was given accession number PTA-1136.

Assurance is hereby given that all restrictions on the availability to the public of the deposited plasmid will be irrevocably removed upon the granting of a patent, subject to 37 C.F.R. § 1.808(b). In accordance with 37 C.F.R. § 1.807(a), assurance is hereby given that the deposit will be maintained and that it will be replaced if it should ever become unviable.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the present patent application or any patent issued thereon.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Thomas J. Gardella

Date: 1/5-3-05

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